

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

*Date: 07/25/2013
Time: 09:00 a.m.
Place: Albany, NY*

In Re: David C. & Lisa M. Garrison

Debtor(s)

**Address: 845 Route 9N, Lot 28
Greenfield Center, NY 12833**

Last four digits of Social Security No.(s): 0949/2797

**Case No.: 12-10366
Chapter 13**

**DEBTOR(S)' MOTION OBJECTING TO
CAPITAL ONE N.A. and/or ECAST SETTLEMENT CORPORATION'S
SECURED CLAIM
PURSUANT TO 11 U.S.C. SEC. 502**

David Garrison and Lisa Garrison, by their attorney, Ronald J. Kim, Esq., respectfully file this Motion in support of its Order pursuant to 11 U.S.C. Section 502 objecting to the secured claim filed by eCast Settlement Corporation.

1. On or about February 14, 2012, the Debtors filed the instant Petition for Chapter 13 Bankruptcy relief.
2. On or about July 30, 2012, the Chapter 13 Trustee confirmed the debtors' Chapter 13 Plan ("Plan").
3. On or about June 21, 2012, Capital One, N.A. (Kawasaki) filed a secured proof of claim in the amount of \$2,760.02. The claim is Claim Number 16 on the Claims Register.
4. On or about April 19, 2013, Capital One, N.A., filed a transfer of claim other than for security to eCast Settlement Corporation.
5. Capital One, N.A. (Kawasaki) and/or eCast Settlement Corporation allege a security interest in a 2007 Kawasaki Brute ATV, but does not attach any evidence of a properly perfected security interest in any personal property owned by the Debtors.
6. Based upon the above, Capital One, N.A. (Kawasaki) nor eCast Settlement Corporation have not established a secured claim against Debtors, and the claim must be reclassified as unsecured.
7. The deadline to file a proof of claim for all creditors except a governmental unit was June 21, 2012.

WHEREFORE, based upon the foregoing, it is respectfully requested that this Court issue an Order: (1) reclassifying claim number 16 as unsecured; and (2) granting such other and further relief as this Court deems just and proper.

Dated: Saratoga Springs
June 17, 2013

/s/Ronald J. Kim/s/

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